

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 54-11 of the North Dakota
2 Century Code, relating to the collection of commodity assessments by the state treasurer; and
3 to amend and reenact sections 4-10.1-09, 4-10.1-14, 4-10.1-16, 4-10.2-08, 4-10.2-11,
4 4-10.3-08, 4-10.3-11, 4-10.4-08, 4-10.4-11, 4-10.4-12, 4-10.5-07, 4-10.5-10, 4-10.5-11,
5 4-10.6-10, 4-10.6-13, 4-10.6-14, 4-10.7-10, 4-10.7-13, 4-10.7-14, 4-12.1-02, 4-12.1-06,
6 4-13.1-04, 4-13.1-06, 4-13.1-11, 4-27-06, 4-28-07, 4-28-08, 4-34-08, 4-34-09, 4-34-10,
7 54-44.3-20, and 54-44.4-02 of the North Dakota Century Code, relating to the collection of
8 assessments levied by the potato council, oilseed council, dry bean council, barley council,
9 soybean council, corn utilization council, dry pea and lentil council, dairy promotion commission,
10 wheat commission, beef commission, and commissioner of agriculture and exempting various
11 agricultural commodity entities from inclusion in the state classified service and from central
12 purchasing requirements.

13 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

14 **SECTION 1. AMENDMENT.** Section 4-10.1-09 of the 1997 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **4-10.1-09. Tax levied - Continuing appropriation.** An assessment at the rate of two
17 cents per hundredweight [45.36 kilograms] must be levied and imposed upon all potatoes
18 grown in the state or sold to a designated handler. The council, in its discretion, may increase
19 the assessment by not more than one-half cent per hundredweight [45.36 kilograms] per year
20 until a maximum assessment of four cents per hundredweight [45.36 kilograms] is reached.
21 This assessment must not be imposed upon any potatoes retained by growers to be used for
22 seed purposes or for consumption by the grower. This assessment is due upon any identifiable
23 lot or quantity of potatoes.

1 A designated handler of potatoes shall file an application with the council on forms
2 prescribed and furnished by the council which must contain the name under which the handler
3 is transacting business within the state, place or places of business, and location of loading and
4 shipping places of agents of the first handler, the names and addresses of the several persons
5 constituting the firm partnership, if a corporation, the corporate name and the names and
6 addresses of its principal officers and agents within the state and, if a limited liability company,
7 the limited liability company name and the names and addresses of its principal managers and
8 agents within the state. The council shall issue a certificate to the designated handler. A
9 designated handler may not sell, process, or ship any potatoes until it has furnished a certificate
10 as required by this section.

11 Every designated handler of potatoes shall collect the assessment imposed under this
12 section by charging and collecting from the seller the assessment per hundredweight [45.36
13 kilograms] by deducting the assessment from the purchase price of all potatoes subject to the
14 assessment and purchased by the designated handler.

15 Every designated handler shall keep as a part of its permanent records a record of all
16 purchases, sales, and shipments of raw potatoes, which may be examined by the state
17 treasurer or the commissioner, or ~~his designee~~ their designees, at all reasonable times. Every
18 designated handler shall report to the ~~council~~ state treasurer stating the quantity of potatoes
19 received, sold, or shipped by ~~it~~ that handler. The report must be made at the times and in the
20 manner prescribed by the ~~council~~ state treasurer. The remittance of the assessment as
21 provided in this section must accompany the report. All moneys levied and collected under this
22 chapter must be paid to the ~~council~~ state treasurer for deposit in the state treasury to the credit
23 of a special revolving fund designated "spud fund". All money in the spud fund is appropriated
24 on a continuing basis to the council for carrying out the purposes of this chapter. Regular
25 audits of the council's accounts must be conducted in accordance with chapter 54-10 and
26 submitted to the commissioner.

27 **SECTION 2. AMENDMENT.** Section 4-10.1-14 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **4-10.1-14. Collection of unpaid assessment.** If a designated handler fails to pay the
30 assessment provided ~~herein~~ in this chapter, the collection ~~thereof~~ of the assessment may be
31 enforced by the ~~council~~ state treasurer in any court with competent jurisdiction within this state.

1 **SECTION 3. AMENDMENT.** Section 4-10.1-16 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-10.1-16. Penalty for nonpayment of assessment.** Any designated handler who
4 fails to pay any assessment levied by this chapter on the date that the ~~same~~ assessment
5 becomes due is delinquent and the ~~council~~ state treasurer shall levy a penalty on ~~such the~~
6 delinquent payments of ten percent of the assessment due, plus interest at the rate of six
7 percent per annum from the due date, ~~which.~~ The penalty and interest must be collected in the
8 manner as prescribed by section 4-10.1-14.

9 **SECTION 4. AMENDMENT.** Section 4-10.2-08 of the 1997 Supplement to the North
10 Dakota Century Code is amended and reenacted as follows:

11 **4-10.2-08. Assessments levied - Continuing appropriation.** An assessment at the
12 rate of three cents per hundredweight [45.36 kilograms] must be levied and imposed upon all
13 sunflower, safflower, rapeseed or canola, and crambe grown in the state or sold to a first
14 purchaser, and an assessment at the rate of two cents per bushel [35.24 liters] must be levied
15 and imposed upon all flax grown in the state or sold to a first purchaser. This assessment is
16 due upon any identifiable lot or quantity of sunflower, safflower, rapeseed or canola, crambe, or
17 flax.

18 A first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall file
19 an application with the council on forms prescribed and furnished by the council which must
20 contain the name under which the first purchaser is transacting business within the state, the
21 place or places of business, the location of loading and shipping places of agents of the first
22 purchaser, the names and addresses of the several persons constituting the firm partnership, if
23 a corporation, the corporate name and the names and addresses of its principal officers and
24 agents within the state, and, if a limited liability company, the limited liability company name and
25 the names and addresses of its principal managers and agents within this state. The council
26 shall issue a certificate to the first purchaser. A first purchaser may not sell, process, or ship
27 any sunflower, safflower, rapeseed or canola, crambe, or flax until it has secured a certificate as
28 required by this section.

29 The first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall
30 collect the assessment imposed by this section by charging and collecting from the seller the
31 assessment at the rate specified in this section by deducting the assessment from the purchase

price of all sunflower, safflower, rapeseed or canola, crambe, or flax subject to the assessment and purchased by the first purchaser.

Every first purchaser shall keep as a part of its permanent records a record of all purchases, sales, and shipments of raw sunflower, safflower, rapeseed or canola, crambe, or flax, which may be examined by the state treasurer or the council at all reasonable times.

Every first purchaser shall report to the ~~council~~ state treasurer stating the quantity of sunflower, safflower, rapeseed or canola, crambe, or flax received, sold, or shipped by ~~it~~ that purchaser.

The report must be made at the times and in the manner prescribed by the ~~council~~ state treasurer. The remittance of the assessment as provided in this section must accompany the report. All moneys levied and collected under this chapter must be paid to the ~~council~~ state treasurer for deposit in the state treasury to the credit of a special revolving account or accounts designated "oilseed fund". All money in the oilseed fund is appropriated on a continuing basis to the council to be used exclusively to carry out the intent and purposes of this chapter. Assessments collected from each crop must be used, for the purposes of this chapter, on each respective crop. However, for flax, emphasis should be given to utilize the assessment, except for that portion of the assessment necessary to administer the flax assessment, for nutritional and therapeutic research. Regular audits of the council's accounts must be conducted in accordance with chapter 54-10 and submitted to the commissioner.

SECTION 5. AMENDMENT. Section 4-10.2-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.2-11. Penalty.

1. Any person who violates any provision of this chapter is guilty of a class B misdemeanor.
2. Any assessment levied by this chapter and not paid by the date that the assessment becomes due is delinquent and the ~~council~~ state treasurer may levy a penalty on ~~such~~ the delinquent payments of ten percent of the assessment due, plus interest at the rate of six percent per annum from the due date. The collection of any assessment or penalty must be made in an appropriate court within this state.

SECTION 6. AMENDMENT. Section 4-10.3-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.3-08. Tax levies - Collection - Reports - Continuing appropriation.

1. An assessment at the rate of ten cents per hundredweight [45.36 kilograms] must be levied and imposed upon all dry beans grown in this state, delivered into this state, or sold to a designated handler. This assessment is due upon any identifiable lot or quantity of dry beans.
2. A designated handler of dry beans shall file an application with the council on forms prescribed and furnished by the council which must contain the name under which the handler is transacting business within the state, the place or places of business, the location of loading and shipping places of agents of the first designated handler, the names and addresses of the several persons constituting the firm partnership, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state, and, if a limited liability company, the limited liability company name and the names and addresses of its principal managers and agents within this state.
3. The council shall issue a certificate to the designated handler. A designated handler may not sell, process, or ship any dry beans until it has furnished a certificate as required by this section.
4. The first designated handler in North Dakota of dry beans shall collect the assessment imposed by this section by charging and collecting from the seller the assessment at the rate of ten cents per hundredweight [45.36 kilograms] by deducting the assessment from the purchase price of all dry beans subject to the assessment and purchased by the designated handler.
5. Every designated handler shall keep as a part of its permanent records a record of all purchases, sales, and shipments of raw dry beans, which may be examined by the state treasurer and the council at all reasonable times. Every designated handler shall report to the ~~council~~ state treasurer stating the quantity in individual and total amounts of dry beans received, sold, or shipped by ~~it~~ that handler. The report must state from whom each individual amount was received. The report must be made at the times and in the manner prescribed by the ~~council~~ state treasurer. The remittance of the assessment as provided in this section must accompany the report. All moneys levied and collected under this chapter must be

1 paid to the ~~council~~ state treasurer for deposit in the state treasury to the credit of a
2 special revolving account designated the "dry bean fund". All money in the dry
3 bean fund is appropriated on a continuing basis to the council to be used
4 exclusively to carry out the intent and purposes of this chapter. Regular audits of
5 the council's accounts must be conducted in accordance with chapter 54-10 and
6 submitted to the commissioner of agriculture.

7 **SECTION 7. AMENDMENT.** Section 4-10.3-11 of the 1997 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **4-10.3-11. Penalties.**

- 10 1. Any person who violates the provisions of this chapter is guilty of a class B
11 misdemeanor.
- 12 2. Any assessment levied by this chapter and unpaid by the date that the assessment
13 becomes due is delinquent and the ~~council~~ state treasurer may levy a penalty
14 against the designated handler on ~~such~~ the delinquent payments of ten percent of
15 the assessment due, plus interest at the rate of six percent per annum from the
16 due date. The collection of any assessment or penalty must be made in an
17 appropriate court within this state.

18 **SECTION 8. AMENDMENT.** Section 4-10.4-08 of the 1997 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **4-10.4-08. Tax levied.**

- 21 1. A tax at the rate of ten mills per bushel [35.24 liters] must be levied and imposed
22 upon all barley grown in the state, delivered into the state, or sold to a first
23 purchaser in the state. This tax is due upon any identifiable lot or quantity of
24 barley.
- 25 2. Every first purchaser of barley shall collect the tax imposed by this section by
26 charging and collecting from the seller the tax at the rate of ten mills per bushel
27 [35.24 liters] by deducting the tax from the purchase price of all barley subject to
28 the tax and purchased by the first purchaser.
- 29 3. Every first purchaser shall keep as a part of its permanent records a record of all
30 purchases, sales, and shipments of barley, which may be examined by the state
31 treasurer and the council at all reasonable times. Every first purchaser shall report

to the ~~council by the thirtieth day of each calendar quarter~~ state treasurer, in a manner and at a time prescribed by the state treasurer, the quantity of barley received, sold, or shipped by it that purchaser. The remittance of the tax as provided in this section must accompany the report. All moneys levied and collected under this chapter must be paid to the ~~council~~ state treasurer for deposit in the state treasury to the credit of an account or accounts designated "barley fund" to be used exclusively to carry out the intent and purposes of this chapter. Regular audits of the council's accounts must be conducted in accordance with chapter 54-10 and submitted to the commissioner.

4. The tax provided for by this section must be deducted as provided by this chapter whether the barley is stored or sold in this or any other state, but if agreements have not been made with dealers and first purchasers outside of the state for collecting the tax, the grower shall remit the tax to the ~~council~~ state treasurer on all barley sold by the grower outside the state.

SECTION 9. AMENDMENT. Section 4-10.4-11 of the North Dakota Century Code is amended and reenacted as follows:

4-10.4-11. Collection of unpaid taxes. If a first purchaser fails to pay the tax provided in this chapter, the ~~council~~ state treasurer may enforce collection in any appropriate court.

SECTION 10. AMENDMENT. Section 4-10.4-12 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.4-12. Penalty for nonpayment of tax. Any first purchaser who fails to pay any tax levied by this chapter on the date the tax becomes due is delinquent. The ~~council~~ state treasurer may levy a penalty on the delinquent payments of ten percent of the tax due, plus interest at the rate of six percent per annum from the due date. The ~~council~~ state treasurer shall collect any penalty and interest in the manner prescribed by section 4-10.4-11.

SECTION 11. AMENDMENT. Section 4-10.5-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.5-07. Tax levies - Collection - Reports. ~~Effective August 1, 1995, an~~ An assessment at the rate of one-half of one percent of the value of the sale must be levied and imposed upon all soybeans sold to a designated handler. This assessment is due upon any identifiable lot or quantity of soybeans.

1 A designated handler of soybeans shall file an application with the council on forms
2 prescribed and furnished by the council. The forms must contain the name under which the
3 designated handler is transacting business within the state, the designated handler's places of
4 business, the location of loading and shipping places of agents of the designated handler, the
5 names and addresses of the several persons constituting the firm partnership, if a corporation,
6 the corporate name and the names and addresses of its principal officers and agents within the
7 state, and, if a limited liability company, the limited liability company name and the names and
8 addresses of its principal managers and agents within this state. The council shall issue a
9 certificate to the designated handler. A designated handler may not sell, process, or ship any
10 soybeans until it has furnished a certificate as required by this section.

11 Every designated handler of soybeans shall collect the assessment imposed by this
12 section by charging and collecting from the seller the assessment at the rate of one-half of one
13 percent of the value of the sale by deducting the assessment from the purchase price of all
14 soybeans subject to the assessment and purchased by the designated handler.

15 Every designated handler shall keep as a part of its permanent records a record of all
16 purchases, sales, and shipments of soybeans, which may be examined by the state treasurer
17 and the council at all reasonable times. Every designated handler shall report to the ~~council~~
18 state treasurer, in a manner and at a time prescribed by the ~~council~~ state treasurer, stating the
19 quantity in individual and total amounts of soybeans received, sold, or shipped by ~~it~~ that
20 handler. The report must state from whom each individual amount was received. The
21 remittance of the assessment as provided in this section must accompany the report. All
22 moneys levied and collected under this chapter must be paid ~~within thirty days of the end of~~
23 ~~each quarterly period~~ to the ~~council~~ state treasurer for deposit in the state treasury to the credit
24 of an account designated "soybean fund" to be used exclusively to carry out this chapter.
25 ~~Quarterly periods end on March thirty-first, June thirtieth, September thirtieth, and December~~
26 ~~thirty-first of each year.~~ Regular audits of the council's accounts must be conducted in
27 accordance with chapter 54-10 and submitted to the commissioner.

28 **SECTION 12. AMENDMENT.** Section 4-10.5-10 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **4-10.5-10. Collection of unpaid assessment.** If a designated handler fails to pay the
2 assessment provided by this chapter, the ~~council~~ state treasurer may enforce collection in any
3 appropriate court within this state.

4 **SECTION 13. AMENDMENT.** Section 4-10.5-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-10.5-11. Penalty for nonpayment of assessment.** Any designated handler who
7 fails to pay any assessment levied by this chapter on the date that the assessment becomes
8 due is delinquent and the ~~council~~ state treasurer shall levy a penalty on ~~such~~ the delinquent
9 payments of ten percent of the assessment due, plus interest at the rate of twelve percent per
10 annum from the due date. The penalty and interest must be collected in the manner as
11 prescribed by section 4-10.5-10.

12 **SECTION 14. AMENDMENT.** Section 4-10.6-10 of the 1997 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **4-10.6-10. Records by designated handlers - Continuing appropriation.** Every
15 designated handler shall keep as a part of its permanent records a record of all purchases,
16 sales, and shipments of corn which may be examined by the state treasurer and the council at
17 all reasonable times. Every designated handler shall report to the ~~council~~ state treasurer, in a
18 manner and at a time prescribed by the ~~council~~ state treasurer. The assessments collected by
19 the designated handler must accompany the report. All moneys levied and collected under this
20 chapter must be paid ~~within thirty days of the end of each quarterly period~~ to the ~~council~~ state
21 treasurer for deposit in the state treasury to the credit of a special revolving account designated
22 as the corn fund. All money in the corn fund is appropriated on a continuing basis to the council
23 to be used exclusively to carry out this chapter. ~~Quarterly periods end on March thirty first,~~
24 ~~June thirtieth, September thirtieth, and December thirty first of each year.~~ Regular audits of the
25 council's accounts must be conducted in accordance with chapter 54-10 and submitted to the
26 commissioner.

27 **SECTION 15. AMENDMENT.** Section 4-10.6-13 of the 1997 Supplement to the North
28 Dakota Century Code is amended and reenacted as follows:

29 **4-10.6-13. Collection of unpaid assessment.** If a designated handler fails to pay the
30 assessment provided by this chapter, the ~~council~~ state treasurer may enforce collection in any
31 appropriate court within this state.

1 **SECTION 16. AMENDMENT.** Section 4-10.6-14 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **4-10.6-14. Penalty for nonpayment of assessment.** A designated handler who fails
4 to pay the assessment provided by this chapter on the date the assessment becomes due is
5 delinquent. The ~~council~~ state treasurer may levy a penalty on that designated handler in the
6 amount of ten percent of the assessment due, plus interest at the rate of twelve percent per
7 annum from the due date. The penalty and interest must be collected in the manner prescribed
8 by this chapter.

9 **SECTION 17. AMENDMENT.** Section 4-10.7-10 of the 1997 Supplement to the North
10 Dakota Century Code is amended and reenacted as follows:

11 **4-10.7-10. Collection of assessment.** Every first purchaser of dry peas or lentils shall
12 collect the assessment from the seller by deducting the assessment from the net purchase
13 price of all dry peas and lentils subject to the assessment and purchased by the first purchaser.

14 Each first purchaser shall keep as part of the first purchaser's permanent records a
15 record of all purchases, sales, and shipments of dry peas and lentils, which may be examined
16 by the state treasurer and the council at any and all reasonable times. Each first purchaser
17 shall report to the ~~council~~ state treasurer, in a manner and at a time prescribed by the ~~council~~
18 state treasurer, the quantity in individual and total amounts of dry peas and lentils received,
19 sold, or shipped by the first purchaser. The report must state from whom each individual
20 amount was received. The remittance of the assessment as provided in this section must
21 accompany the report. ~~All moneys levied and collected under this chapter must be paid within~~
22 ~~thirty days of the end of each calendar quarter.~~ Regular audits of the council's accounts may
23 be conducted in accordance with chapter 54-10 and submitted to the commissioner.

24 **SECTION 18. AMENDMENT.** Section 4-10.7-13 of the 1997 Supplement to the North
25 Dakota Century Code is amended and reenacted as follows:

26 **4-10.7-13. Collection of unpaid assessments.** If a first purchaser fails to pay the
27 assessment as provided in this chapter, the ~~council~~ state treasurer may enforce collection in
28 any appropriate court within the state.

29 **SECTION 19. AMENDMENT.** Section 4-10.7-14 of the 1997 Supplement to the North
30 Dakota Century Code is amended and reenacted as follows:

1 **4-10.7-14. Penalty for nonpayment of assessments.** A first purchaser who fails to
2 pay any assessment levied by this chapter on the date that the assessment becomes due is
3 delinquent and the ~~council~~ state treasurer may levy a penalty on the delinquent payments of ten
4 percent of the assessment due, plus interest at the rate of twelve percent per annum from the
5 due date. The penalty and interest must be collected in the manner prescribed by this chapter.

6 **SECTION 20. AMENDMENT.** Section 4-12.1-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4-12.1-02. Assessment.** There is hereby levied on beekeepers an assessment of five
9 cents per colony of honeybees licensed by the beekeeper. The minimum assessment is one
10 dollar. The assessment must be remitted to the ~~commissioner at the same time the annual~~
11 ~~license application is due as specified in section 4-12.2-04~~ state treasurer, in a manner and at a
12 time prescribed by the state treasurer.

13 **SECTION 21. AMENDMENT.** Section 4-12.1-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **4-12.1-06. Collection of unpaid assessments.** If a beekeeper fails to remit the proper
16 assessment, the ~~commissioner~~ state treasurer may enforce the remittance in any court of
17 competent jurisdiction in the state.

18 **SECTION 22. AMENDMENT.** Section 4-13.1-04 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **4-13.1-04. Assessment collected and remitted by processor.** The assessment
21 must be collected by the processor at the time the turkey is delivered to a processing plant. ~~It~~
22 ~~must be deducted by the~~ The processor shall deduct the assessment from the price he the
23 processor pays to the producer. The processor shall quarterly remit the assessments he
24 ~~collects~~ collected under this chapter to the ~~commissioner~~ state treasurer, in a manner and at a
25 time prescribed by the state treasurer, for deposit in a special fund in the state treasury.

26 **SECTION 23. AMENDMENT.** Section 4-13.1-06 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **4-13.1-06. Processor to give invoice to producer.** The processor ~~shall~~, at the time of
29 delivery, shall sign and give to the producer separate invoices for each purchase. The invoice
30 must show the name and address of the producer and the seller, if the seller is not the
31 producer; the name and address of the processor; the number of turkeys sold; the amount of

1 assessment collected; and the date of delivery. ~~The commissioner shall have the authority to~~
2 state treasurer may require such other records as may be necessary to expedite the collection
3 and remittance of the assessment.

4 **SECTION 24. AMENDMENT.** Section 4-13.1-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-13.1-11. Collection of unpaid assessments.** If a processor fails to collect or remit
7 the proper assessments, the ~~commissioner~~ state treasurer may enforce the collection or
8 remittance, ~~as the case may be,~~ in any court of competent jurisdiction in the state.

9 **SECTION 25. AMENDMENT.** Section 4-27-06 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **4-27-06. Assessment - Appropriation.**

- 12 1. There is ~~hereby~~ levied on each producer an assessment of ten cents per
13 hundredweight [45.36 kilograms] on all milk or some product therefrom produced
14 and sold by that producer.
- 15 2. All assessments levied under this chapter must be collected by the first dealer or
16 processor through deduction of the same from the gross receipts, with the
17 exception that where the producer sells directly to the consumer, the assessment
18 must be collected from the producer. All moneys received by the dealers,
19 processors, and producers from the assessment must be remitted to the state
20 treasurer ~~and deposited by him,~~ in a manner and at a time prescribed by the state
21 treasurer, for deposit in the North Dakota dairy promotion commission fund and are
22 ~~hereby~~ appropriated to the commission and must be disbursed by the commission
23 in accordance with the provisions of this chapter. ~~The remittance of such~~
24 ~~assessments must be made monthly within fifteen days after the period for which~~
25 ~~remittance is made.~~ Assessments unpaid on the date on which they are due and
26 payable must be increased by ten percent of the amount of the assessment.
- 27 3. Any producer desiring a refund of such assessment shall ~~himself~~ make written
28 application to the secretary-treasurer of the commission therefor. Such application
29 must be made to the secretary-treasurer upon forms provided by the commission
30 no later than thirty days from the time of any payment made to a producer. Upon
31 request, refunds must be made by the secretary-treasurer on a monthly basis.

1 **SECTION 26. AMENDMENT.** Section 4-28-07 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **4-28-07. Wheat tax levy.** A tax of eight mills per bushel [35.24 liters] by weight must
4 be levied and imposed upon all wheat grown in this state, delivered into this state, or sold
5 through commercial channels to a first purchaser in this state. The tax must be levied and
6 assessed at the time of sale and deducted by the purchaser from the price paid, or in the case
7 of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject
8 to adjustment at the time of settlement in the event the number of bushels [liters] are not
9 accurately determined at the time of the lien, pledge, or mortgage. At the time of sale, the first
10 purchaser in this state shall issue and deliver to the producer or seller a record of the
11 transaction in the manner prescribed by the ~~commission~~ state treasurer.

12 Any producer who sells wheat to a first purchaser in this state and who is subject to the
13 deduction provided in this chapter, within sixty days following the deduction or final settlement,
14 may ~~make application~~ apply by personal letter to the wheat commission for a refund application
15 blank. Upon the return of the blank, properly executed by the producer, accompanied by a
16 record of the deduction by the purchaser, the producer must be refunded the net amount of the
17 deduction collected. If no request for refund has been made within the period prescribed
18 above, then the producer is presumed to have agreed to the deduction. However, a producer,
19 for any reason, having paid the tax more than once on the same wheat, upon furnishing proof of
20 this to the commission, is entitled to a refund of the overpayment.

21 The commission, to inform the producer, shall develop and disseminate information and
22 instructions relating to the purpose of the wheat tax and manner in which refunds may be
23 claimed and to this extent shall cooperate with governmental agencies, state and federal, and
24 private businesses engaged in the purchase of wheat.

25 **SECTION 27. AMENDMENT.** Section 4-28-08 of the 1997 Supplement to the North
26 Dakota Century Code is amended and reenacted as follows:

27 **4-28-08. State wheat commission fund - Continuing appropriation.** Each first
28 purchaser shall ~~make quarterly submit~~ reports and returns to the ~~commission, on or before the~~
29 ~~twentieth day of the month next succeeding each calendar quarterly period, commencing with~~
30 ~~the calendar quarter ending September 30, 1995. The commission shall prescribe the forms to~~
31 ~~be used~~ state treasurer, in a manner and at a time prescribed by the state treasurer. With each

1 report and return, the first purchaser shall remit to the ~~commission, in the form of a remittance~~
2 ~~payable to the~~ state treasurer; the tax due. The ~~commission~~ state treasurer shall ~~transmit all~~
3 ~~such deposit the payments to the state treasurer to be deposited~~ in the state treasury to the
4 credit of a special revolving fund known as the "state wheat commission fund". All money in the
5 state wheat commission fund is appropriated on a continuing basis to the commission for
6 carrying out the purposes of this chapter. Expenditures from the fund may be made upon
7 vouchers duly approved by the commission to carry out this chapter. Regular audits of the
8 commission's accounts must be conducted in accordance with chapter 54-10.

9 **SECTION 28. AMENDMENT.** Section 4-34-08 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **4-34-08. Assessment for sale of cattle.** There is ~~hereby~~ levied on each person who
12 is a resident of this state selling cattle within the state or from the state, an assessment of fifty
13 cents per head for each animal sold. For the purposes of this chapter, a person is not
14 considered to have sold cattle if the person's only share in the proceeds of a sale of cattle is a
15 sales commission, handling fee, or other service fee, or the person acquired ownership of cattle
16 to facilitate the transfer of ownership of the cattle from the seller to a third party, resold the
17 cattle no later than ten days from the date on which the person acquired ownership, and
18 certified, as required by regulations prescribed by the cattlemen's beef promotion and research
19 board and approved by the secretary of agriculture of the United States, that the requirements
20 of 7 CFR 1260.116 have been satisfied. The moneys collected ~~pursuant to~~ under this chapter
21 must be paid to the ~~commission pursuant to~~ state treasurer under this chapter and ~~must~~ may
22 be expended by the commission only as authorized by this chapter.

23 **SECTION 29. AMENDMENT.** Section 4-34-09 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **4-34-09. Manner of deductions - Payments of assessments to ~~beef commission~~**
26 **state treasurer - Collections.** The assessments provided in this chapter must be collected by
27 selling agencies at livestock terminal markets, livestock auction markets, and by all livestock
28 dealers licensed by the state of North Dakota by deducting assessments from any credit given
29 or payment made to the person selling the cattle at the time credit is given or payment is made.
30 Persons who sell cattle from ~~the this state of North Dakota~~ outside of the state or to an
31 out-of-state buyer shall remit the assessments ~~directly to the~~ commission state treasurer,

1 unless the assessment has been paid to a brand inspector or a qualified state beef council in
2 another state. Any other person selling cattle within the state shall remit the assessments
3 directly to the ~~commission~~ state treasurer.

4 **SECTION 30. AMENDMENT.** Section 4-34-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-34-10. Remittance of assessments collected - Penalties.** All assessments
7 collected by licensed dealers, selling agencies at terminal markets, or auction markets, or
8 required to be paid by any other person as provided in this chapter must be remitted to the
9 ~~North Dakota beef commission no later than the fifteenth day of the month following the month~~
10 ~~in which the cattle were sold~~ state treasurer, in a manner and at a time prescribed by the state
11 treasurer. The assessments must be accompanied by remittance forms as prescribed and
12 furnished by the ~~commission~~ state treasurer. All moneys collected by the ~~commission pursuant~~
13 ~~to state treasurer under~~ this chapter must be ~~remitted by the commission to the state treasurer~~
14 ~~and deposited by the state treasurer~~ in the North Dakota beef commission fund and are hereby
15 appropriated to the commission and must be disbursed by the commission in accordance with
16 this chapter. Any licensed dealer, selling agency at terminal markets, auction markets, or any
17 other person required to remit assessments but who fails to remit the assessments as required
18 by this chapter ~~within thirty days following the month in which the cattle were sold~~ on the date
19 the assessment becomes due is guilty of a class B misdemeanor. Any licensed dealer, owner
20 or operator of a selling agency at a terminal market, livestock auction market operator or any
21 other person required to collect assessments but who fails to collect assessments as required
22 by this chapter is guilty of a class B misdemeanor. Any person who sells cattle from ~~the~~ this
23 ~~state of North Dakota~~ outside the state or to an out-of-state buyer who fails to remit the
24 assessments required by this chapter ~~within thirty days following the month in which the cattle~~
25 ~~were sold~~ on the date the assessment becomes due is guilty of a class B misdemeanor. Any
26 unpaid assessments due pursuant to this chapter must be increased by two percent each
27 month beginning with the day following the date the assessments were due. Any remaining
28 amount due which includes any unpaid charges previously due pursuant to this section, must
29 be increased at the same rate on the corresponding day of each month thereafter until paid.
30 The timeliness of the remittance of an assessment as required by this chapter must be based
31 on the applicable postmark date or the date the assessment is actually received by the

1 ~~commission~~ state treasurer. The ~~commission is authorized to~~ state treasurer may sue for and
2 collect assessments and any penalties on unpaid assessments.

3 **SECTION 31.** A new section to chapter 54-11 of the North Dakota Century Code is
4 created and enacted as follows:

5 **State treasurer shall collect commodity assessments.** The state treasurer shall
6 collect the assessments levied under chapters 4-10.1, 4-10.2, 4-10.3, 4-10.4, 4-10.5, 4-10.6,
7 4-10.7, 4-12.1, 4-13.1, 4-27, 4-28, and 4-34. The state treasurer shall adopt a common form to
8 be used in the collection of all commodity assessments levied and provide for periodic audits of
9 persons required to collect and remit the assessments. The state treasurer shall allocate to the
10 various entities to which the assessments are distributed the cost of audits conducted under
11 this section.

12 **SECTION 32. AMENDMENT.** Section 54-44.3-20 of the 1997 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **54-44.3-20. Categories of positions in the state service.** All positions in the state
15 service are included in the classified service except:

- 16 1. Each official elected by popular vote and each person appointed to fill vacancies in
17 an elective office, one principal assistant, and one private secretary.
- 18 2. Members of boards and commissions required by law.
- 19 3. Administrative heads of departments required by law, other than the
20 superintendent of the school for the blind, the superintendent of the school for the
21 deaf, and the state librarian.
- 22 4. Officers and employees of the legislative branch of government.
- 23 5. Members of the judicial branch of government of the state of North Dakota and
24 their employees and jurors.
- 25 6. Persons temporarily employed in a professional or scientific capacity as
26 consultants or to conduct a temporary and special inquiry, investigation, or
27 examination for the legislative branch of government or a department of the state
28 government.
- 29 7. Officers and members of the teaching staff of universities and other institutions of
30 higher education.

8. Positions deemed to be inappropriate to the classified service due to the special nature of the position as determined by the division and approved by the board.
9. The classified employees at the institutions of higher education under the control of the state board of higher education, until July 1, 1976.
10. Members and employees of occupational and professional boards.
11. Officers and employees of the North Dakota mill and elevator association.
12. The director of the committee on employment of people with disabilities of the department of human services.
13. Positions referred to under law as serving at the pleasure of or at the will of the appointing authority.
14. Certificated teachers engaged in teaching at the North Dakota youth correctional center, the school for the blind, and the school for the deaf.
15. Officers and employees of the workers compensation bureau.
16. Employees of the potato council, oilseed council, dry bean council, barley council, soybean council, corn utilization council, dry pea and lentil council, dairy promotion commission, wheat commission, and beef commission.

SECTION 33. AMENDMENT. Section 54-44.4-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services. ~~The~~

1. Except as otherwise provided by this section, the office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, and other commodities, except the following:
- ~~4.~~ a. Land, buildings, space, or the rental thereof.
- ~~2.~~ b. Telephone and telegraph service, and electrical light and power services.
- ~~3.~~ c. Public books, maps, periodicals, and technical pamphlets.
- ~~4.~~ d. Department of transportation materials, equipment, and supplies in accordance with the provisions of chapters 24-02 and 24-03.
- ~~5.~~ e. Professional services pursuant to written contract.
- ~~6.~~ f. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment where the maintenance or

servicing can best be performed by the manufacturer or authorized service agent, or where such a contract would otherwise be advantageous to the state.

~~7.~~ g. Emergency purchases the office of management and budget cannot make within the required time and which involve public health or public safety, or where immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.

~~8.~~ h. Such specific items or items costing less than a specified amount as determined and indicated by written directive by the director of the office of management and budget.

2. The office of management and budget shall purchase items as requested by agencies and institutions under the jurisdiction of the state board of higher education and the legislative and judicial branches of state government. The agencies and institutions under the jurisdiction of the state board of higher education, with the office of management and budget, shall make such joint purchases of like items of high common usage as determined jointly by the agencies and institutions under the jurisdiction of the state board of higher education and the office of management and budget as will result in less cost to the state. The office of management and budget, pursuant to terms and conditions imposed by it, may agree with political subdivisions that have organized a purchasing group pursuant to a joint powers agreement under chapter 54-40.3 to cooperatively purchase certain specific items designated by the office of management and budget if the cooperative purchase will result in a benefit to the state and to the political subdivisions participating in the joint powers agreement.

3. This section does not apply to the potato council, oilseed council, dry bean council, barley council, soybean council, corn utilization council, dry pea and lentil council, dairy promotion commission, wheat commission, and beef commission.